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OFFICE OF PETITIONS

In re Application of :
Srivastava et al. :
Application No. 09/393,652 : ON PETITION
Filed: 10 September, 1999 :
Atty Docket No. 8449-025-999 :

This is a decision on the petition styled under 37 CFR 1.10(c), filed on 17 December, 2004, which is treated as a petition to withdraw the holding of abandonment and accord the papers papers received on 26 August, 2004, a filing date of 25 August, 2004.

The petition is granted.

On 10 September, 1999, the application was filed.

On 25 February, 2004, a non-final Office action was mailed, setting a three (3) month shortened statutory period for reply.

On 26 August, 2004, an amendment and a three (3) month extension of time were received. As the period for reply expired on 25 August, 2004, the application was held abandoned for failure to file a timely reply.

On 17 November, 2004, Notice of Abandonment was mailed.

Petitioners assert that the reply received on 26 August, 2004, was timely filed by Express Mail on 25 August, 2004. In support, petitioners have provided a copy of Express Mail label No. EV532871413US (the same Express Mail number found on the first page of the amendment and extension of time received on 26 August, 2004) and showing a "date-in" of "8/25/04". Additionally, a review of the USPS Track & Confirm database

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reveals that the above-referenced Express Mail label number was accepted by the USPS on 25 August, 2004.

In view of the above, it is concluded that the correct date of deposit is 25 August, 2004.

As such, the above-referenced amendment and reply were timely filed on 25 August, 2004.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

The application is being referred to Technology Center Art Unit 1644 for correction of Office records to reflect that the amendment, extension of time, and other papers received in response to the Office action mailed on 25 February, 2004 were received on 25 August, 2004, not 26 August, 2004, and for further processing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Track & Confirm

Shipment Details

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- ARRIVAL AT PICK-UP-POINT, August 26, 2004, 11:30 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, August 26, 2004, 11:26 am, DULLES, VA 20102
- ENROUTE, August 26, 2004, 11:18 am, DULLES, VA 20102
- ACCEPTANCE, August 25, 2004, 9:47 pm, NEW YORK, NY 10199
- ENROUTE, August 25, 2004, 8:05 pm, NEW YORK, NY 10199

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